

House Bill 1243

By: Representatives Holcomb of the 101st, Jones of the 25th, Barrett of the 24th, and Miller of the 62nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state
2 printing and documents, so as to provide bona fide researchers with legal means to access
3 criminal justice data and records; to provide for legislative findings and declarations; to
4 provide for definitions; to require that the Attorney General provide guidance to criminal
5 justice agencies in the sharing of criminal justice data, records, and information with bona
6 fide researchers; to provide for a short title; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Criminal Justice Researcher Access to Data
11 Act."

12 **SECTION 2.**

13 Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state printing
14 and documents, is amended by adding a new article to read as follows:

H. B. 1243

15 "ARTICLE 10

16 50-18-170.

17 The General Assembly finds and declares that criminal justice policies and programs that
18 are evidence based and supported by relevant research result in superior outcomes. State
19 and local agencies record and retain a wide variety of criminal justice data and records,
20 including, but not limited to, sensitive information otherwise shielded from public
21 disclosure. If provided access to such data and records:

22 (1) Bona fide researchers could conduct valuable research into criminal justice programs,
23 practices, and outcomes, which would benefit public safety and serve the public interest;

24 (2) Bona fide researchers could institute security protocols to protect and safeguard
25 sensitive information, allowing them to safely access relevant criminal justice data and
26 records that may not be suitable for broader public disclosure; and

27 (3) Providing bona fide researchers with access to relevant criminal justice data and
28 records will facilitate and promote criminal justice research, frequently at little to no cost
29 to taxpayers.

30 50-18-171.

31 As used in this article, the term:

32 (1) 'Bona fide researcher' means any individual or organization that:

33 (A) Utilizes gathered personally identifiable information for research and statistical
34 activities; does not transfer, reveal, or use such information for purposes other than for
35 such research and activities; and does not identify specific individuals in reports or
36 publications derived from such information and activities;

37 (B) Certifies that such individual or organization has secured approval from the
38 relevant institutional review board for the research or statistical activity forming the
39 basis for the criminal justice data access request; and

40 (C) If requesting access to any confidential, personally identifiable information,
41 certifies that they have security protocols in place to prevent unauthorized access to
42 such information, and that such protocols meet the standards promulgated by the
43 relevant institutional review board.

44 (2) 'Criminal justice agency' means any court of competent jurisdiction and any local,
45 county, or state agency that performs any activity directly relating to the detection or
46 investigation of crime; the apprehension, pretrial release, posttrial release, prosecution,
47 correctional supervision, rehabilitation, evaluation, or treatment of accused individual or
48 criminal offenders; or criminal identification activities or the collection, storage, or
49 dissemination of arrest and criminal records information.

50 (3) 'Criminal justice data' shall mean all data collected, created, received, maintained, or
51 disseminated by any criminal justice agency regardless of its physical form, storage
52 media, or conditions of use.

53 (4) 'Institutional review board' means any board, committee, or other group that reviews,
54 approves initiation of, and conducts periodic review of research, and which has received
55 accreditation for this purpose or is part of an accredited institution of higher learning.

56 (5) 'Records' means any information kept, held, filed, produced or reproduced by, with,
57 or for a criminal justice agency, in any physical or digital form including, but not limited
58 to, reports, statements, examinations, memoranda, opinions, folders, files, books,
59 manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms,
60 computer tapes or discs, rules, regulations, or codes.

61 50-8-172.

62 (a) All requests to inspect or copy criminal justice data, records, and information under this
63 article shall be made upon a custodian, as such term is set forth in Code Section 50-18-70.

64 (b) Upon receiving a request from a bona fide researcher to inspect or copy criminal
65 justice data, records, and information under this article, a custodian shall share such data,

66 records, and information, including relevant personally identifying information and
67 demographic information, held by such custodian relating to any:

68 (1) Law enforcement stop, search, or seizure;

69 (2) Warrant, arrest, or citation;

70 (3) Participation in a pre-arrest or post-arrest diversion, specialty court, or other
71 alternative resolution program;

72 (4) Criminal charge, disposition, or sentence;

73 (5) Pretrial or posttrial release from custody, or any terms or conditions of release;

74 (6) Grant, order, change in the terms of, or termination of pretrial supervised release,
75 probation, parole, or participation in correctional or rehabilitative programs; or

76 (7) Formal discipline, reclassification, or relocation of any person under criminal
77 sentence or correctional control.

78 (c) Upon request from a bona fide researcher, a custodian shall share all criminal justice
79 data, records, and information, including relevant personally identifying information and
80 demographic information, held by such custodian that is subject to mandatory or
81 discretionary disclosure to any member of the public under Code Section 50-18-71.

82 (d) In addition to the provisions of subsection (c) of this Code section, a custodian may
83 share with a bona fide researcher any other criminal justice data, records, or information,
84 including relevant personally identifying information and demographic information, held
85 by such custodian that is responsive to a bona fide researcher's request.

86 (e) A release of criminal justice data, records, or information under this Code section is not
87 considered a release of data, records, or information to the public for the purposes of Code
88 Section 50-18-71 and does not waive the right to assert in the future that such data, records,
89 or information are exempted from disclosure under Code Section 50-18-71.

90 50-18-173.

91 (a) No later than January 1, 2027, the Attorney General shall issue guidance to assist
92 criminal justice agencies in complying with this article, including a process for identifying
93 bona fide researchers and for sharing criminal justice data, records, and information with
94 such researchers.

95 (b) A criminal justice agency may assess reasonable fees, not to exceed actual costs, for
96 the search, retrieval, and copying of criminal justice data, records, or information requested
97 pursuant to this article and may waive fees at its discretion."

98 **SECTION 3.**

99 All laws and parts of laws in conflict with this Act are repealed.